

PATENT APPLICATION DECLARATION

(Attorney's Docket No.: HARI.094US0)

Each of the Applicants named below hereby declares as follows:

1. My residence, post office address and country of citizenship given below are true and correct.

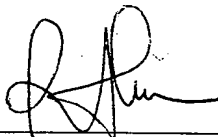
2. I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought in the patent application entitled "NON-VOLATILE MEMORY WITH IMPROVED SENSING AND METHOD THEREFOR," Serial No. 09/177,809, filed October 23, 1998, and I have reviewed and understand the contents of the specification, including its claims.

3. I acknowledge my duty to disclose to the Office all information known to me to be material to patentability of this application, in accordance with 37 C.F.R. Section 1.56, which is defined on the attached page.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

1/11/99



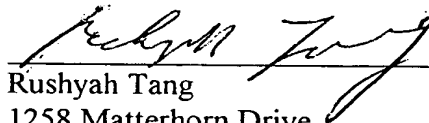
Raul-Adrian Cernea

Residence and Post Office Address: ~~20917 Greenleaf Drive~~  
~~Cupertino, California 95014~~  
(Citizenship: U.S.A.)

540 Mansion Park Dr  
# 303  
Santa Clara, CA 95051  
RAC

Date:

1-11-99



Rushyah Tang

Residence and Post Office Address: 1258 Matterhorn Drive  
San Jose, California 95132  
(Citizenship: Republic of Taiwan)

Date: 1-11-99

Residence and Post Office Address: Douglas Lee  
5072 Durban Court  
San Jose, California 95138  
(Citizenship: U.S.A.)

Date: 1/11/99

Residence and Post Office Address: Chi-Ming Wang  
1301 Quintana Way  
Fremont, California 94539  
(Citizenship: U.S.A.)

Date: 1/11/99

Residence and Post Office Address: Daniel Guterman  
305 Jacaranda Drive  
Fremont, California 94539  
(Citizenship: U.S.A.)

### Section 1.56 Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                                  |   |                           |
|----------------------------------|---|---------------------------|
| In re Patent Application of      | ) |                           |
|                                  | ) | Group Art Unit: 2812      |
| RAUL-ADRIAN CERNEA, RUSHYAH      | ) |                           |
| TANG, DOUGLAS LEE, CHI-MING WANG | ) |                           |
| and DANIEL GUTERMAN              | ) |                           |
|                                  | ) |                           |
| Serial No.: 09/177,809           | ) |                           |
|                                  | ) |                           |
| Filed: October 23, 1998          | ) |                           |
|                                  | ) |                           |
| For: NON-VOLATILE MEMORY WITH    | ) |                           |
| IMPROVED SENSING AND             | ) |                           |
| METHOD THEREFOR                  | ) |                           |
| _____                            | ) | San Francisco, California |

Assistant Commissioner of Patents  
Washington, D.C. 20231

**SUPPLEMENTAL DECLARATION  
OF RUSHYAH TANG**

Sir:

I, Rushyah Tang, as one of the co-inventors of the above-identified patent application hereby declares the following:

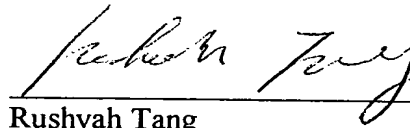
1. My true name is Rushyah Tang;
2. My residence, post office address and country of citizenship given below are true and correct;
3. I have worked at SanDisk Corporation, located at 140 Caspian Court, Sunnyvale, California 94089 for the past year as a Senior Design Engineer. To my co-workers, here at SanDisk Corporation, I am generally known as and have unofficially adopted the nick-name of "Bill." When the above-reference patent application was filed, my first name was inadvertently expressed as "William."

By way of this Declaration, I hereby request that my given name, Rushyah, be listed on the captioned patent application, and that the name William be stricken from same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

1-26-99



Rushyah Tang

Residence and Post Office Address: 1258 Matterhorn Drive  
San Jose, California 95132  
(Citizenship: Republic of Taiwan)

(Atty. Docket: HARI.094US0)

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- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

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